IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

: O R D E R :

Rameshwar Lal Vs. Rajasthan State Electricity Board & Others
(S.B. Civil Writ Petition No.1205/1995)

DATE OF ORDER : August 6th, 2007

P R E S E N T

Hon'ble Mr. Justice Gopal Krishan Vyas

Mr. Nitin Trivedi for the petitioner.

BY THE COURT :

By this writ petition, the petitioner is claiming relief that direction may be issued to the respondents to treat the petitioner continued in service with effect from 10.12.1994 and he may be deemed to be treated appointed to the post of Lower Division Clerk on consolidated wages/work-charged basis and he may be allowed to get one more chance to appear in the examination for regularization of his services on the post of Lower Division Clerk.

The petitioner was appointed as daily-rated employee with

effect from 24.01.1994 and he continued as such till 10.12.1994. He was appointed at the rate of Rs.30/- per day. Before the petitioner was so employed, circular Annex.-4 dated 12.01.1994 was issued whereby decision was taken to regularize the cases of those who were appointed Lower Division Clerks on consolidated wages or on work-charged basis. In the writ petition, the petitioner is claiming that he was allowed to appear in the examination conducted in pursuance of circular Annex.-4 but he was declared unsuccessful. Thereafter, another circular dated 11.11.1994 was issued in continuance of the earlier circular and one more chance was given to those Lower Division Clerks who were appointed on consolidated wages/work-charged basis and who had failed or who did not appear at the earlier examination. In the writ petition, the petitioner has prayed that he may be treated to be an employee appointed on consolidated wages/work-charged basis and accordingly he may be given a chance to appear in the examination.

Reply is filed by the respondents refuting the claim of the petitioner.

In my view, the petition is without any force. Circular Annex.-4 was issued in respect of only those Lower Division Clerks who were appointed on consolidated wages/work-charged basis and who were in service on 12.01.1994. Admittedly, the

petitioner was appointed on 24.01.1994 and was not given appointment on consolidated wages/work-charged basis and, therefore, in the writ petition, the petitioner has pleaded that he may be treated to have been appointed on consolidated wages/work-charged basis. Further, by the subsequent circular, second chance was given to those who were declared failed or had not appeared at the earlier examination. In this view of the matter, the petitioner does not fall in the category of those LDCs who were appointed on consolidated wages/work-charged basis. The services of the petitioner was dispensed with in the year 1994 and the petitioner was not even entitled to appear in the examination conducted by the respondents, therefore, the petitioner's case is not covered under the circular dated 12.01.1994 and order dated 11.11.1994.

The writ petition is bereft of merit and the same is accordingly hereby dismissed.

(Gopal Krishan Vyas) J.